

REPORT ON CERTIFICATION THAT THE TRANSPORTATION PLANNING PROCESS COMPLIES WITH APPLICABLE FEDERAL LAWS AND REGULATIONS

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Reviews: Technical Committee and Officials Committee
Metropolitan Planning Organization

BACKGROUND:

The *Transportation Equity Act for the 21st Century* (TEA-21), requirements for the States and Metropolitan Planning Organizations (MPO) include they annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the planning process is addressing the major issues facing the area and is being carried out in conformance with applicable federal Urban Transportation Planning laws and regulations. The U.S. Department of Transportation has published proposed guidance associated with the planning and environmental provisions of TEA-21, May 25, 2000. This revision retains the provisions in the ISTEA regulations, published October 28, 1993, and did not add new compliance requirements. Regulations, under Section 450.334 (new rules Section 1410.334), require that the FHWA/FTA acceptance of the local Transportation Improvement Program (TIP) be based on a self-certification by the MPO.

TEA-21 was enacted on June 9, 1998 authorizing the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period from 1998-2003. This act was set to expire on September 30, 2003 and the administration submitted a proposal to Congress for reauthorization. The new highway act is currently designated "SAFETEA - The Safe, Accountable, Flexible, and Efficient Equality Act of 2003." Reauthorization has not been completed to date and transportation planning activities have continued under Congressional extensions of TEA-21.

Any deficiencies identified in this self-review process are to be corrected according to State and local proposals within a reasonable self-imposed time frame. FHWA and FTA has oversight responsibilities on the planning process and determines, through appropriate and independent reviews, that the planning process conforms to applicable federal laws and regulations prior to approval of federal aid FHWA and FTA highway, transit, and other implementation projects.

COMPLIANCE EVALUATION:

The following are the applicable federal laws and regulations, as contained in the October 28, 1993 Federal Register (Section 450.334(a)), as published in Federal Register Volume 58, No. 207-October 28, 1993 and the proposed rules 23 CFR 1410.334(a), as published in Federal Register Volume 65, No. 102-May 25, 2000 to which the transportation planning process is to comply. Documentation is provided on activities for the planning period between the fall of 2003 and the fall of 2004 and described with regard to conformance to each law and regulation.

Section 134 of title 23 USC, requires a continuing, cooperative, and comprehensive transportation planning process and consideration of all modes of transportation.

Continuing - In order to provide sound bases for decisions regarding transportation-related plans, continuing monitoring and surveillance programs are carried out. Data collection and analysis includes population, employment, dwelling units, land uses, traffic volumes, vehicle miles traveled, transit ridership and other transit-related inventory and productivity measures, parking, auto occupancy, air quality, airline passengers and operations, vehicle traffic and bicycle accidents, and intersection volume/capacity data. These data are documented and presented in other technical reports. A comprehensive review of the long-range transportation plan is conducted in conjunction with the Comprehensive Plan amendment and modification process. This process is described in the *Lincoln Metropolitan Planning Organization Public Participation Plan, Operations Plan for Continuing Urban Transportation Planning in the Lincoln Metropolitan Area and Unified Planning Work Program*.

The *Operations Plan for continuing urban Transportation Planning in the Lincoln Metropolitan Area* (Operations Plan) is the current MPO prospectus which establishes a multiyear framework within which the planning program is accomplished. An update of the Lincoln MPO Memorandum of Understanding may involve updating the prospectus for carrying out a cooperative process in the unified planning work program as defined in the Federal-aid Policy Guide, Sec. 450.314(c).

Cooperative - Agreements for conducting the transportation planning process are contained in the Memorandum of Understanding between the City of Lincoln, Lancaster County, the City-County Planning Commission, and the State of Nebraska Department of Roads in cooperation with FHWA and FTA, as executed by all parties in 1977. The local public transit operation, StarTran, is a division of the City of Lincoln Public Works and Utilities Department. City, county, state, and federal representatives are included as members of the Technical and Officials Committees.

Comprehensive - The transportation planning and implementation process, is generally described in the *Lincoln City-Lancaster County Comprehensive Plan*, and the public participation process is identified in the *Public Participation Plan*. The details are outlined in the *Operations Plan* in conjunction with the *Unified Planning Work Program* which recognizes the interrelationships between transportation, land use, and social, economic, and environmental factors, and has as its objective the development of transportation systems compatible with the overall development goals of the area.

The transportation planning process is directed toward the Lincoln urbanized area and the adjacent land area expected to be urbanization within the planning period. The remainder of Lancaster County also is addressed in the planning process in a more general manner. All appropriate transportation modes are considered in the transportation planning process.

The *Long Range Transportation Plan* (LRTP) for the Lincoln MPO is contained in the *Lincoln and Lancaster County Comprehensive Plan*. Included in the LRTP are specific long-range plans for the Lincoln Area Pedestrian, Bicycle and Trails facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The Plan also contains a Intelligent Transportation Systems element and a Transportation Systems Management Strategy.

As part of the Comprehensive Planning efforts for the Lincoln Metropolitan Area, a future land use plan was developed for use in analyzing the relationship of the future directions of urban area growth to the community's continuing planning efforts. The adopted land uses identified in the *Comprehensive Plan* are used as the future land uses for on-going planning purposes and the base land uses for the development of the new 2002 Long Range Transportation Planning effort.

Section 8(e) of the Federal Transit Act, (49 USC app. 1607), which requires nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance and participation by minority business enterprise in Department of Transportation programs.

StarTran, the public transportation provider in Lincoln, is a division of the City of Lincoln Public Works and Utilities. A number of semi-public and private service providers also provide special transportation services to the general public and/or clients. StarTran contracts with local private transportation providers to afford StarTran a supplement to the Handi-Van Program to accommodate service requests from eligible clients.

The StarTran portion of the draft *FY 2005-2007 and 2008-2010 Transportation Improvement Program* (TIP) was forwarded to local and national private-for-profit operators to provide notice of proposed transportation plans and programs and to provide an opportunity for private operators to review and comment on the proposals and propose privately operated services for Lincoln's transit program. Documentation on the results of the review process is in the current TIP.

The City of Lincoln encourages participation of the private sector, including minority business enterprise, in the planning process, the provision of services, and the promotion of more economical service alternatives.

Sections 174 and 176(c) and (d) of the Clean Air Act (42 USC 7504, 7506(c) and (d)), which require the joint preparation of an implementation plan to address attainment of air quality standards determined to have not been met.

Lincoln was a nonattainment area for Carbon Monoxide (CO) until February 1989 and since being designated by U.S. EPA as an attainment area, has maintained attainment status for all the National Ambient Air Quality Standards (NAAQS). An ambient air quality monitoring program, operated by the Lincoln-Lancaster County Health Department (LLCHD), has in place monitoring program for Carbon Monoxide (CO), particulate matter less than 2.5 microns in diameter (PM_{2.5}), and ozone. Air toxics monitoring was conducted from March of 2002 through April of 2003. Monitoring for diesel particulate matter (black carbon) will begin in the summer of 2004. In addition to monitoring activities, computer modeling exercises are conducted to quantify transportation related air emissions.

A comprehensive inventory was conducted in FY 2003 to assess the impact of emissions from mobile sources. An inventory of network-wide emissions from on-road gasoline and diesel vehicles, non-road equipment, railroad locomotives, and aircraft/airport activities was completed in FY 2003 using standard, EPA-approved models and emission calculation methods. LLCHD will continue to monitor ambient air for CO at 27th and "O" Streets. Monitoring for PM_{2.5} will continue to be performed at 3140 N Street. Data is recorded and appropriate 1-hour, 8-hour, 24-hour, and annual averages are computed.

Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23

USC 324 and 29 USC 794.

The *Public Participation Plan* together with the *Operations Plan*, *Unified Planning Work Program* and *Environmental Justice Action Strategy* ensures that no person will be excluded from participation in the planning process and in the development of plans and programs. The current *Operations Plan* states that "particular attention will be given to impacts upon specific identifiable minority groups in relationship to Title VI of the Civil Rights Act 1964, as executed by the State of Nebraska in 1965, and Title VIII of the Civil Rights Act of 1968, as executed by the State of Nebraska in 1969."

Long Range Transportation Plan. The development of the new 2002 *Lincoln City-Lancaster County Comprehensive Plan* and *Long Range Transportation Plan* began in January of 2001 with a Citizen Advisory Committee addressing basic community goals and attitudes. Basic community wide values were drawn from a public opinion survey of *Planning and Development Issues* in Lincoln and Lancaster County which was undertaken to identify the current attitudes of the community on key issues. A follow-up survey focusing on *Travel and Mobility Issues* within the planning area was also completed to identify the communities attitudes key transportation issues. This process developed goals that were the framework for the new *Lincoln City-Lancaster County Comprehensive Plan* and *Long Range Transportation Plan*. These principles evaluated the possible directions for long term urban growth scenarios in relation to alternative long range transportation components and guided the development of the plan. The planning process and the technical data is included in the *Technical Documentation Report for the Long Range Transportation Plan*, February 2002.

The Lincoln MPO Technical Committee provided guidance on the CPC draft *Long Range Transportation Plan*, February 22, 2002, and the Lincoln-Lancaster Planning Commission held two public hearings on the draft *Lincoln City-Lancaster County Comprehensive Plan* and *Long Range Transportation Plan*, March 13th and March 27th. The Planning Commission draft was recommend to the Lincoln City Council and Lancaster County Board on April 3, 2002. The Lincoln City Council and Lancaster County Board held joint public hearings on May 8 and May 22, 2002. The final Plan was adopted by the City Council, May 28, 2002, and the County Board, May 29, 2002, and Mayor Don Wesely signed the resolution on May 29, 2002. The Lincoln MPO Officials Committee review and action with the MPO endorsement was executed on June 13, 2002.

Multi-Modal Transportation Study. An important element in the *Transportation Plan* is the emphases on a balance in transportation modes that include walking, bicycling, public transit, paratransit and vehicles. This balance is to provides for a choice in travel modes and enable the community to maintain a high level of mobility and accessibility while preserving community character. A major focus for this planning year has been a detailed assessment of the quantity and quality of transportation options available to all individuals or groups and the provision of adequate travel choice within a multi-modal transportation system. Aiding in this study is a 16 member citizen committee or task force that has served as the primary point of community involvement throughout the study. The "Multi-Modal Transportation Task Force" has meet regularly with staff and the consultant team since July 30, 2003 to formulate a *Multi-Modal Transportation Plan* for the Lincoln area. This study has a target completion date of June 2004.

The selection of private consultants for transportation planning related contractual projects utilizing FHWA/State PL funds is coordinated by the City Purchasing Department; reviews of all proposals are conducted by the City EEO Officer to assure compliance with applicable Title VI regulations.

Section 1003(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 (Pub. L. 102-240) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (Sec. 105(f), Pub. L. 97-424, 96 Stat. 2100; 49 CFR part 23).

An updated "Disadvantaged Business Enterprise Program" was submitted to FTA by the City of Lincoln-StarTran in February, 2000. The City of Lincoln-StarTran DBE program meets the requirements of the Department of transportation regulations.

The selection of private consultants for transportation planning related contractual projects utilizing FHWA/State PL funds is coordinated by the City Purchasing Department; reviews are conducted by the City's EEO Officer to assure compliance with applicable MBE requirements.

Provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38), which call for special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons.

In response to the August 22, 1991 DOT regulations to implement the transportation portions of the Americans with Disabilities Act (ADA), the *1996 Complementary Paratransit Plan Update - Lincoln, Nebraska* was developed. This plan updated the Lincoln special transportation program for persons with disability and compared the current paratransit program with the ADA regulations. StarTran has revised the Handi-Van eligibility guidelines/procedures to better comply with federal ADA transportation requirements. The eligibility process is based upon one's functional physical and/or mental ability to utilize accessible regular transit services, based upon a review of a revised application which emphasizes function ability - not disability. Application reviews, routine eligibility determination, and travel training is conducted by League of Human Dignity staff. The eligibility process was implemented in November 1999. To date, the City of Lincoln / StarTran meets all requirements of the ADA and is in full compliance.

Public Participation Process - The city, since 1978, has had an established citizen review and participation program. Since September, 1991, special transportation program contracts have been executed between the City of Lincoln and the League of Human Dignity, Inc. "for the provision of an appeals mechanism and mechanism for continuing public participation in relation to the special transportation programs for the handicapped of StarTran."

Appropriate requirements of the October 28, 1993 Federal Register (23 CFR Part 450 and 49 CFR Part 613), which require the following:

- Designation of a Metropolitan Planning Organization (MPO) with representation by principal elected officials

On March 22, 1974, the State of Nebraska designated the City of Lincoln as the Metropolitan Planning Organization (MPO). A Memorandum of Understanding was executed between the city, county, state, and Planning Commission, in cooperation with the FHWA and FTA, concerning transportation planning in the Lincoln Metropolitan Area. In the Memorandum of Understanding, the cooperating agencies agreed to proceed in accordance with provisions for the transportation planning process as identified in appropriate federal laws and regulations and as documented in the *Operations Plan*. The *Operations Plan* documents the responsibilities and

functions of the cooperating agencies in the transportation planning process which was initially adopted in May, 1979. The *Operations Plan* was amended on January 19, 1989 to reflect minor changes in the process. A review of the Lincoln MPO Prospectus is under review to reflect changes resulting from the designation of the MPO as a Transportation Management Area and to reflect the update of the Lincoln MPO Memorandum of Understanding.

Transportation Management Area Status

Based on the results of Census 2000 published May 1, 2002, the Lincoln Urbanized Area has a population of over 200,000 and according to Federal regulations (23 USC 134), on July 8, 2002 the Lincoln MPO was designated by the FHWA and FTA as a Transportation Management Area (TMA). The Lincoln MPO's status as a TMA brings both new responsibilities and new authority to its transportation planning and programming processes. New responsibilities include: establishment of a Congestion Management System; triennial federal certification of the MPO's planning process; review, and if necessary, modification of Technical Advisory Committee composition to include operators of major public modes of transportation; and federal rather than state approval of annual Unified Planning Work Program.

Among Lincoln MPO's new authorities will be: the ability to program Urbanized Area Formula Program (5307) funds through Direct Apportionment from the Federal Transit Authority; the ability to program Surface Transportation Program Direct Attributable funds; and additional project selection weight in development of the Statewide Transportation Improvement Program.

- Description and documentation of anticipated expenditure of urban transportation planning funds, with MPO endorsement

The *FY 2003-2004 Lincoln-Lancaster County Unified Planning Work Program (UPWP)* includes descriptions of anticipated expenditures of urban transportation planning funds including FTA Sections 5303 and 5307 funds and FHWA/State PL Funds. The FY 2003-2004 UPWP was reviewed and approved by the Technical Committee on August 5, 2003 and by the Officials Committee on August 7, 2003, and was endorsed by the MPO on August 7, 2003. The FY 2003-2004 UPWP is scheduled for review by the Technical Committee and Officials Committee in June, 2004.

- Transportation plan describing policies, strategies and facilities or changes in facilities proposed, with analysis of transportation system management strategies to make more efficient use of existing transportation systems; endorsement of the transportation plan by the MPO

The ***Long Range Transportation Plan (LRTP)*** for the Lincoln MPO is contained in the *Lincoln and Lancaster County Comprehensive Plan*. The LRTP has a planning horizon to the year 2025 and is coordinated with the Lincoln-Lancaster Land Use Plan. All appropriate transportation modes are considered in the *Long Range Transportation Plan* with specific long-range plans for the Lincoln Area Pedestrian, Bicycle and Trails facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The future road plan reflects the improvement types according to specific street design standards, identifying the number of lanes and the right-of-way required for a proposed improvement.

The new Plan was developed during the FY 2001-2002. This Plan was reviewed by the Lincoln-Lancaster Planning Commission and was recommend to the Lincoln City Council and Lancaster County Board on April 3, 2002. The Lincoln City Council and Lancaster County Board held joint public hearings on May 8 and May 22, 2002. The final Plan was adopted by the Lincoln City Council on May 28, 2002 and the Lancaster County Board on May 29, 2002 and the Mayor of Lincoln signed the resolution on May 29, 2002. The Lincoln MPO Officials Committee review and action with the MPO endorsement was executed on June 13, 2002.

- Transportation Improvement Program with MPO endorsement

The *FY 2004-2006 and 2007-2009 Lincoln-Lancaster County Transportation Improvement Program (TIP)* was approved by the Technical Committee on May 8, 2003 and a Public Hearing was held at the Planning Commission on May 21, 2003. The Officials Committee approved the TIP on August 7, 2003 and was endorsed by the MPO on August 7, 2003.

The draft *FY 2005-2007 and 2008-2010 TIP* is in the process of being reviewed and acted upon in conjunction with this MPO self-certification process. The MPO Technical Committee and Officials committee reviews are expected to be completed in July, 2004.

- Certification by the MPO and the State that the planning process is being carried on in conformance to appropriate Federal laws and regulations

A self-review process was conducted in 2003 and a report was reviewed by the Technical and Officials Committees regarding *Certification that the Transportation Planning Process Complies with Applicable Federal Laws and Regulations*. The MPO endorsed the compliance evaluation report and certified that the Planning Process for the Lincoln, Nebraska urbanized area met the requirements of 23 CFR 450.334(a), as published in Federal Register October 28, 1993 and the proposed rules 23 CFR 1410.334(a), as published in Federal Register May 25, 2000.

Transportation Planning Management Review. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) conducted a joint “Transportation Planning Review and Evaluation” of the Lincoln MPO transportation planning process, August 15, 2002. This detailed review was to determine if the planning process met the federal regulations governing the development of transportation plans and programs for metropolitan areas as identified in federal regulations, 23 CFR, Section 450.334(b) Metropolitan Planning Process.

Findings of the FTA/FHWA “Transportation Planning Management Review” process was forwarded to the Lincoln MPO in a January 15, 2003 Final Report. The general conclusion is stated below.

“Transportation planning activities in the Lincoln metropolitan area are being carried out in accordance with governing Federal regulations, policies, and procedures. The MPO’s planning process provides adequate representation and input from all levels of local government and individual interest groups on the transportation needs of the metropolitan area. Overall, the MPO’s planning activities provide for a transportation planning process that results in the support and development of transportation improvements for the entire area.”
(Final Report - Lincoln Planning Review, 2003. FTA & FHWA)

Future Planning Certification Reviews. As a result of the Lincoln MPO receiving a Transportation Management Areas (TMA) designation, the FHWA and FTA will require a Federal “Planning Certification Review” instead of the “Planning Management Review” as conducted in the past. The Certification Review uses a similar, but with a more extensive format and questions than the Management Review. The Management Review usually takes two full days (noon to noon over a three-day period) rather than a single day. In addition, The Lincoln MPO will be required to hold a public hearing to solicit feedback on the transportation planning process during this review. An MPO Planning Certification Review will be required in FY2005.

RECOMMENDATION:

It is recommended that, as a result of the above compliance evaluation and subject to the reviews by the Technical Committee and Officials Committee that the Metropolitan Planning Organization endorse the compliance evaluation report and certify that the Planning Process for the Lincoln, Nebraska urbanized area has met the requirements of 23 CFR 450.334(a), as published in Federal Register Volume 58, No. 207-October 28, 1993 and the proposed rules 23 CFR 1410.334(a), as published in Federal Register Volume 65, No. 102-May 25, 2000. This report identifies that there are no major deficiencies in the planning process and certifies that the planning process is addressing the major issues facing the MPO Planning area. No corrective action is identified.

Technical Committee: May 11, 2004
Officials Committee: July 29, 2004

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